



DLA Piper LLP (US)
1251 Avenue of the Americas
27th Floor
New York, New York 10020-1104
www.dlapiper.com

Loren H. Brown
loren.brown@us.dlapiper.com
T 212.335.4846
F 212.884.8546

March 10, 2023

VIA ECF

Hon. Katherine Polk Failla
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Courtroom 618
New York, NY 10007

Re: *In re: Chantix (Varenicline) Mkg., Sales Pracs. & Prods. Liab. Litig. (No. II)*, 22-MD-3050 (KPF), 22-MC-3050 (KPF)

Dear Judge Failla:

We write on behalf of Defendant Pfizer Inc. (“Pfizer”) in the above-referenced matter pursuant to this Court’s January 6, 2023 Order (ECF No. 6) regarding Pfizer’s lead counsel and whether Pfizer will object based on improper venue to any related cases filed directly in the Southern District of New York.

Pfizer’s Lead Counsel. As the Court noted in its Order, DLA Piper LLP represented Pfizer in all proceedings before the Judicial Panel on Multidistrict Litigation and in all actions assigned to this Court for coordinated pretrial proceedings and will serve as lead counsel for Pfizer. The undersigned will serve as Pfizer’s individual lead counsel.

Direct Filing. Regarding the direct filing of related cases in the Southern District of New York, the parties have met and conferred and have agreed that Pfizer will not oppose Plaintiffs seeking the Court’s leave to file two master complaints, one on behalf of individual consumers and one on behalf of third party payors, which would supersede all other complaints filed to date and which would be asserted on behalf of putative nationwide classes (as well as state-specific subclasses, in the alternative). Because Pfizer has its principal place of business in this District, venue for those master complaints would be proper here. As a result, Pfizer stipulates that it will not object to the anticipated master complaints (should the Court grant Plaintiffs leave to file them) on the ground of improper venue. Pfizer intends to move to dismiss the master complaints and reserves all other objections to them.



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In light of the parties' agreement regarding master complaints, Pfizer does not anticipate that related cases that emanate from other districts will be filed, as any such complaints would be superseded by (or subsumed within) the master complaints.

Respectfully,

/s/ Loren H. Brown

Loren H. Brown

cc: Counsel of Record